

## RULE 132

### SENTENCING

#### (a) Generally

Unless otherwise ordered by the Court, sentencing shall be held without unnecessary delay. Any party filing a sentencing memorandum shall provide copies to all parties and the probation office.

#### (b) Presentence Report

The probation office shall prepare a presentence report (hereafter PSR) in every case unless the Court finds, pursuant to Fed. R. Crim. P. 32(c)(1)(A), that sufficient information exists in the record to enable the meaningful exercise of its sentencing authority. During the presentence investigation, the probation office shall provide notice and reasonable opportunity to defendant's counsel to attend any interview of the defendant. Counsel for the defendant shall contact the probation officer within ten (10) working days from notice of the Court's order for the preparation of the PSR. The probation officer may interview the defendant ex parte when the attorney has failed to communicate with the probation office or if reasonable attempts to schedule an interview in order to complete the presentence investigation interview have been futile. Should the defendant refuse to be interviewed, the probation office shall proceed to prepare the PSR.

- (1) Written Version of Facts. No later than ten (10) days following a plea or verdict of guilty, the government shall provide the probation office with a detailed written version of the facts and a detailed description of the evidence in support thereof. The prosecutor assigned to the case and the primary case agent shall make themselves reasonably available to the probation office to answer any inquiries.
- (2) Disclosure. No later than thirty-five (35) days prior to the scheduled sentencing date, the probation office must give the presentence report to counsel for the defendant and the attorney for the government. Defense Counsel shall review the PSR with and shall provide the defendant copy of said report. The defendant may waive the thirty-five (35) day prior notice requirement.
- (3) Objections to PSR.
  - (A) Informal Resolution. Parties are advised that they have an obligation to seek informal resolution of any disputed matter in the PSR by consultation with each other and the probation office prior to filing written objections.

Within fourteen (14) days from disclosure of the PSR, counsel for the government and counsel for the defense shall file and deliver to the probation office, and to each other, written objections to the facts or guideline application in the PSR. If counsel have no objections, each shall so notify the probation office, and each other, in writing. A party waives any objection to the PSR by failing to comply with this rule

unless the Court determines that the basis for the objection was not reasonably available prior to the deadline.

- (4) Departure and Adjustments. Any party requesting a sentence departure and/or adjustment must submit a written motion, specifying the grounds and legal authority in support of said request for departure and/or adjustment. This motion shall be filed no later than ten (10) days prior to the scheduled sentencing hearing, with copies served upon opposing counsel and the probation office.
- (5) Disclosure of Revised Presentence Report and Addendum. If either party objects to the PSR in writing, the probation officer shall conduct such further inquiries, investigation or consultation with counsel as may be necessary to attempt to resolve the objections raised. The probation officer shall also prepare an Addendum to the PSR that shall address the objections raised by counsel and identify those issues that remain unresolved. The revised PSR and Addendum shall be submitted to the parties no later than seven (7) days prior to sentencing.
- (6) Presentence Conference. Upon receipt of the PSR the Court may schedule a presentence conference with all counsel and the probation officer present, and with the defendant if proceeding *pro se*.

**(c) Modification of Time Limits**

The times set forth in this rule may be modified by the court for good cause shown.